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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

DOAN, JENNIFER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2874

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,981

Applicant(s)

HARKER, ANDREW

Examiner

Jennifer Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 8,15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's communication filed on January 26, 2006, has been carefully studied by the Examiner. The arguments advanced therein are persuasive. The examiner agrees that Yamashita does not disclose a mouldable substantially rigid optical light guide. However, in view of further search, a relevant document is found; therefore, a new rejection is set forth below. This action is **not** made final.

Specification

1. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-7, 10-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura (U.S. Patent 6,760,510).

With respect to claim 1, Kimura (figure 5) discloses an optoelectronic assembly comprising an optical emitter (73) for emitting light along a main optical path (74), wherein the optical emitter (73) is mounted on a first substrate (72); a mouldable, substantially rigid optical light guide (83) have a first end for receiving a small proportion of the light from the main optical path (74) and a second end, wherein the optical light guide includes a structural feature to facilitate interception of the light from the main optical path; and a photodetector (88) located adjacent the second end of the optical light guide (83) for receiving light there from, wherein the photodetector (88) is mounted on a second substrate (87) (column 10, lines 2-38).

With respect to claim 2, Kimura (figure 5) discloses an optoelectronic assembly, wherein the optical light guide (83) is mounted on the first substrate (72).

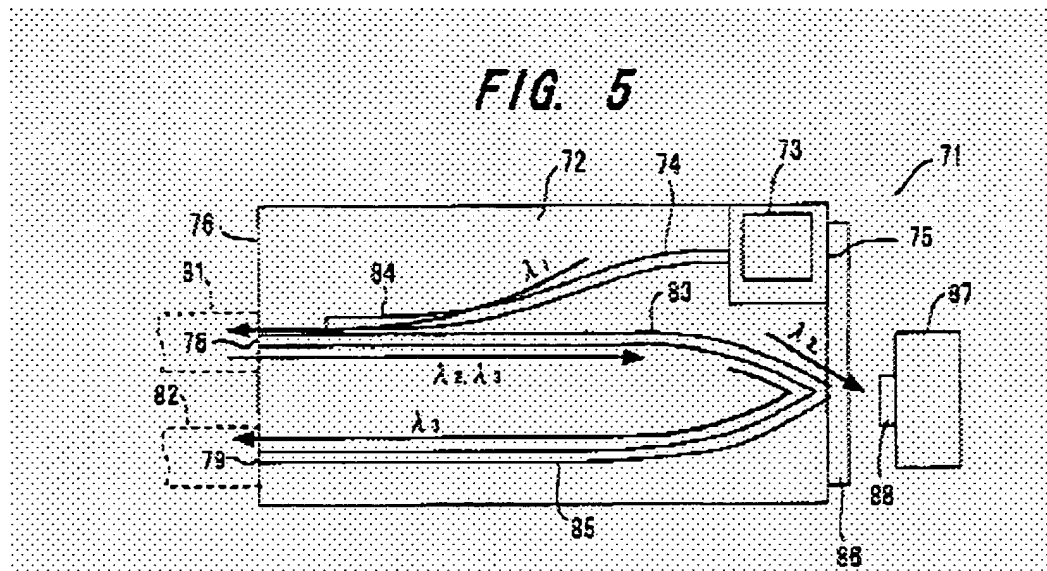
With respect to claims 4, 5, 12 and 13, Kimura (figure 13) discloses an optoelectronic assembly further including a plurality of mouldable, substantially rigid optical guides (83, 85), and a plurality of photodetectors (88, 122), wherein the plurality of optical light guides each has a second end located adjacent at a respective one of the photodetectors (see figure 13); wherein the plurality of photodetectors (88, 122) is mounted as an array adjacent a periphery of the second substrate (87A).

With respect to claims 6 and 14, Kimura (figure 5) discloses an optoelectronic assembly, wherein the plurality of optical light guides (83, 85) is manufactured as a single assembly for mounting to the substrate (72).

With respect to claim 7, Kimura (figures 5 and 14) discloses an optoelectronic assembly comprising an optical emitter (73) for emitting light along a main optical path (74), a mouldable, substantially rigid optical light guide (83) have a first end for receiving a small proportion of the light from the main optical path (74) and a second end, and a photodetector (88) located adjacent the second end of the optical light guide (83) for receiving light there from, wherein the optical light guide (83) includes a structural feature to facilitate interception of the light from the main optical path (74) (column 10, lines 2-38).

With respect to claims 10 and 17, Kimura (figure 5) discloses an optoelectronic assembly, wherein the optical light guide (83) includes a fiducial to facilitate alignment of the guide to the first substrate (72).

With respect to claim 11, Kimura (figure 14) discloses an optoelectronic assembly, wherein the optical emitter (73), the photodetector (102) and the optical light guide (83, 85) are mounted on a substrate (72) and the photodetector (102) is arranged at a periphery of the substrate (72).



Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (as cited above).

With respect to claims 9 and 16, Kimura substantially discloses all the limitations of the claimed invention except the optical light guide is made from a stable, low

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absorption plastics material. However, the optical light guide being made from a stable, low absorption plastics material is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the material as claimed to make the optical light guide of Kimura's device for the purpose of obtaining higher efficiency in the optical signal transmission and it is also noted that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

6. Claims 8, 15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose or reasonably suggest an optoelectronic assembly, further comprising a beam splitter for splitting a small proportion of light from the main optical path into a secondary light path, wherein the first end of the optical light guide is positioned in the secondary light path as recited in claims 8 and 15; wherein the structure feature comprises an angled facet as recited in claims 18 and 19 and wherein the first substrate contains optical feed through of the small proportion of the light without electrical feed through to the photodetector on the second substrate and wherein the second substrate contains the optical feed through of the optical light guide and an electrical feed through from the photodetector as recited in claim 20.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2 and 4-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JD

April 11, 2006

A handwritten signature in black ink that reads "Jennifer Doan". The signature is written in a cursive, flowing style.

**JENNIFER DOAN
PRIMARY EXAMINER**